

**MINUTES**  
**CANBY PLANNING COMMISSION**  
REGULAR MEETING  
OCTOBER 23, 1995  
7:30 P.M.

**APPROVED**

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***I. ROLL CALL***

Present: Chairman Schrader, Vice-Chair Mihata, Commissioners Gustafson, Jackson, Ewert, Gerber and Larson.

Staff Present: James Wheeler, Assistant Planner, and Joyce Faltus, Secretary.

Others Present: Carl Soles, Judy Soles, Davis Soles, John Stout, Roger Reif, Larry Sharp.

***II. MINUTES***

The minutes of July 24, 1995 were approved, as submitted.

***III. CITIZEN INPUT ON NON-AGENDA ITEMS***

None

***IV. COMMUNICATIONS***

Staff explained that representatives of the Canby School District, specifically Stephen Miller, John Falkenstein, and Dr. Mike Harms, will come before the Commission on October 30th, to respond to the questions submitted by the Planning Commission.

***V. COMMISSION DISCUSSION OF PLANNING ISSUES***

Commissioner Gerber explained that he attended the first meeting of the Long Range Planning Committee which will address concerns regarding the school district. Seven additional meetings are planned, with a presentation to the School Board on March 4, 1996. At each particular meeting, there are a specific number of items that must be covered.

The first meeting was very general in nature, Mr. Gerber explained, to introduce the members and set guidelines and timelines. At a future meeting, probably the third meeting, enrollment projections will be reviewed, as will the direction and location of residential growth and review the existing and proposed infrastructure with relation to land use and zoning. The fourth meeting will consider the district as a whole, the demographics and the Comprehensive Plan. At the fifth meeting, recommendations will be considered and an implementation schedule to develop cost estimates. First staff, and then the public, will receive a preview of the recommendations, before a final presentation is developed for the Board. Two consultants from BOORA Architects are facilitating the meetings, which appear very organized. Mr. Gerber's concerns about growth and planning are on an agenda already. A handout was already distributed that deals with enrollment projection updates, broken down by individual schools. The two primary school which appear to be of most concern are Knight Elementary and Trost Elementary, which are quickly approaching capacity. The purpose of the committee is to look at various alternatives and try to determine what is the best, most cost effective way to implement adjustments in the district. Commissioner Gerber suggested that other Commissioners submit any questions they might have to him, to bring up at the meetings.

## **VI. OLD BUSINESS**

### **Pine Terrace Apartments - Tree Replacement**

Staff explained that he met with Mr. Sharp and revised the tree plan, stressing canopy rather than number of trees. He reviewed it with the Commission. The Commission agreed it was a good attempt to replace the trees that were removed, but the sizes were too small, and additional trees were needed in the north central area. Based on the discussion, Commission Ewert moved to accept staff's proposal of replacement, changing the two replacement 4" caliper trees [referred to on the plan as the lawn area] to 6" trees, adding one in the front corner, and changing the one on the far north of the plan to a 6" caliper tree also. Commissioner Gerber seconded the motion. Commissioner Schrader amended the motion to include a bond until the trees show survivability for at least two summers. Commissioner Ewert and Commissioner Gerber agreed to the amendment. It was approved 6-1, with Commissioner Larson voting no. The new tree plan was agreed to by both Mr. Sharp and the Commission, and the plan was initialed so there would be no misunderstandings in the future.

## **VII. NEW BUSINESS**

None

## **VIII. FINDINGS**

Commissioner Gerber moved to approve the Findings, Conclusions and Order for SUB 95-05 [Wiederhold Village]. Commissioner Mihata seconded the motion and it carried 6-0 with Commissioner Jackson abstaining.

Commissioner Mihata moved to approve the Findings, Conclusions and Order for CUP 95-03 [Canby Utility Board]. Commissioner Ewert seconded the motion and it carried 6-0, with Commissioner Jackson abstaining.

## **IX. PUBLIC HEARINGS**

MLP 95-05, an application by John Stout [applicant] and Carl and Judith Soles [owners] for approval to partition a 4.5 acre parcel into two parcels, with the dividing line running along the central axis of the roadway easement from S.W. Berg Parkway to the rear property line. The site is located on the east side of S.W. Berg Parking [Industrial Seating] [Tax Lot 900 of Tax Map 4-1E-4B].

Chairman Schrader asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated. He then reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall.

Mr. Wheeler presented the staff report. He explained that the industrial site is 4.5 acres, situated at the south end of S. Berg Parkway, south of the Canby Square Shopping Center. Industrial Seating is just north of Canby Disposal Co. and just south of Oregon Bag Company. The embankment is to the south and a bit to the west, an approximate 60-70 foot steep drop. The applicant is proposing to partition the property in half, leaving the northern half vacant, and the Industrial Seating building on the southern half. When the dedication and road improvement were discussed with the applicant, Mr. Soles had requested certain conditions which would limit his cost liability. When reviewing the application, the question of alignment, right-of-way, and road development costs that would be involved in connecting S. Berg Parkway with S.W. 13th Avenue, which is called for in the Transportation System Plan, came to light. Staff indicated the alignment that has been in place for the last 4+ years, noting that there had been many options to extending S. Berg Parking. At the time the high school built the Performing Arts Center, one of the options was eliminated. The Cedar Ridge Subdivision has now blocked up a certain portion of the extension also. One of the remaining options was to extend S. Berg Parkway to S.W. 13th along the top of the bluff, another is to extend S. Berg Parkway north, between Oregon Bag and the Canby Square Shopping Center, and another was to extend the road between Oregon Bag and Industrial Seating. After talking with all the property owners involved, the last was the primary option. After the final meeting, staff is proposing, as part of this partition, a

right-of-way dedication along the frontage of Parcel 1 [the northern portion of the parcel] for the width that is indicated on the survey done by the City. With further development of either parcel, half street improvements would be required for access. Referring to the maps on the wall, Mr. Wheeler indicated the property lines that would result from the partition. Staff recommends approval with condition.

### **Applicant**

**Carl Soles, 22991 S. Central Point Road** stated that he feels this is a workable situation and will not cause hardship. Further, he stated that the remainder of the parcel, Parcel 1, should be used for the purposes permitted in the zone.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed the right-of-way dedication and agreed that such dedication along the west side of parcel one is all that is needed to provide the appropriate and adequate access to the two parcels. Approximately sixty [60] feet of right-of-way is required, as shown on the City-provided survey.
2. The Commission discussed the steep embankment and agreed that because the road alignment is along that embankment, an unusual right-of-way alignment and configuration is required.
3. As Industrial Seating has adequate access to its business, the Commission agreed that Improved access is needed only upon further development of either Parcel 1 or Parcel 2.
4. The Commission asked if the property owner was in agreement regarding the right-of-way. Staff explained that the dedication was only being asked of Parcel 1, that the City would not ask for it on Parcel 2 until the connection between S. Berg Parkway and S.W. 13th was in the planning stage. He added that if the right-of-way was obtained on Parcel 2, a corner of the existing Industrial Seating building would be cut off and his loading dock would have to be redesigned and realigned because it is parallel to the building. According to the engineer's drawings, the edge of the corner of the road would be 5 feet from that building, and would be workable because S. Berg is an arterial. As no improvement is proposed on Parcel 2, the City is not asking for half street improvements from that parcel or right-of-way dedication on that lot at this time.
5. The Commission agreed this is a well planned, well thought out application.

Based on the findings and conclusions contained in the staff report dated July 14, 1995, on testimony at the hearing, and on Commission deliberations, **Commissioner Mihata** moved to approve MLP 95-05 with the following conditions:

*For the Final Plat*

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-05.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - 6 feet in width along all lot lines, except;
  - 12 feet in width along the dedicated S. Berg Parkway frontage, except;
  - No easement along the western property line of parcel 2.
6. Dedication of right-of-way for street purposes shall be made along the western portion of Parcel 1 in accordance to the location shown on the City-provided survey.

*Notes*

7. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

8. One-half street road improvements, including street paving (a minimum of twenty (20) feet), curbs, sidewalks, utilities, and street trees shall be required prior to occupancy of any further development of either Parcels 1 or 2.

Commissioner Larson seconded the motion and it carried unanimously.

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MLP 95-06/LLA 95-06, an application by Donald K. Eby [applicant] and Konstantin and Maria Verbin [owners] for approval to adjust the common property line between Tax Lots 1600 and 1700, exchanging approximately 1,230 square feet to straighten out the property line. The applicant is also requesting approval to partition the resulting property [Tax Lots 1600 and 1910 after the Lot Line Adjustment] into 3 parcels, approximately .52 acres [11,550 square feet], .14 acres [6,109 square feet], and .13 acres [5,476 square feet], respectively. The properties are located on the northeast corner of S. Locust and S.E. Township Road [Tax Lots 1600, 1700 and 1910 of Tax Map 3-1E-33DD].

Chairman Schrader asked if any Commissioners had ex-parte contact or conflict of interest. Other than visiting the site, but coming to no conclusions, none was indicated. He then reviewed the hearing process and procedures and referred to the applicable criteria posted on the wall.

Mr. Wheeler explained that the lot line adjustment will change the orientation of the common property boundary between two tax lots, from a northwest to southeast orientation, to a north-south orientation. By so doing, both lots will be more developable. The partition will split those two tax lots into three lots. There is an existing home on Parcel 3 and Parcel 2 will be developed with a single family home also. Parcel 1 will have the square footage to be developed with as many as eight units, as the zoning for the parcels is R-2, High Density Residential. Access for Parcels 2 and 3 is from Township Road, and access for Parcel 1 is from Locust Street. The potential nine additional units will not have a significant affect on traffic on Township Road, with regard to levels of service, based on previous traffic studies. As Locust has direct access onto Highway 99-E, not all of the traffic from those units would necessarily use Township Road. Parcel 2 meets the solar ordinance, but Parcel would not as it's north-south dimension is less than 90 feet. Parcel 1 is not oriented along an east-west street and staff has included a proposed condition, #6, which offers options for meeting the ordinance, as provided by the ordinance. Improvements along Township Road include road widening, as well as street lights and trees. There are some Cedar trees and Holly trees on the property. The Holly trees will probably be removed, but the Cedar trees appear healthy, but the alignment of Township Road will encroach upon those trees fairly closely. Staff recommends that an arborist be on-site when the excavation is done for sidewalk improvements. Further, staff explained that Parcel 3 has

an existing home, Parcel 2 will do half-street improvements as part of the development of the site and extend them for the frontage of Parcel 3 and also build sidewalks on the frontage of Parcel 3 now, and on Parcel 2, when it is developed. No street trees are required for Parcel 3. No improvement to Locust Street are required for Parcel #1 as they already exist, but at time of development, street trees will be required.

### **Applicant**

**Roger Reif, 273 N. Grant** emphasized that this particular parcel is surrounded by high density zoning to the east, north, and west. Properties to the south are zoned R-1, Low Density Residential, but in the Comprehensive Plan, it is designated as high density. Mr. Reif stated that Parcels 1 and 2 contemplate taking access off S.E. Township Road. The applicant concurs with the proposed conditions of approval. Mr. Reif pointed out that in the analysis on page 9 of 17 in the staff report dated October 12, under #1, it is stated that any approval of the minor land partition will need to include the road improvements to S.E. Township Road prior to the signing of the plat -- or bonding. The applicant would like to add the words "or bonding" to proposed condition #8 to be consistent, and because weather conditions might delay construction of the improvements.

With no additional testimony, the public portion of the hearing was closed for Commission deliberation. Issues discussed included:

1. The Commission discussed preserving the existing Cedar trees on Parcel 3. In order to try to preserve them, the Planning Commission agreed that it is appropriate to eliminate the parking lane along Township Road for the portion of road around the existing Cedar trees, noting that this design was used along Territorial Road, between N. Juniper Street and N. Maple Street.
2. The Commission discussed the Cedar trees on S. Locust Street and discussed meandering the sidewalk around them, as was done on Territorial and on N. Locust, to the front of the trees, rather than closer to the homes. Staff explained that constructing the sidewalk to the north of the trees would place it very close to the existing home, and constructing the sidewalk to the south would narrow the roadway at that site.
3. The Commission discussed traffic concerns on Township Road, due to the large amount of development in that quadrant of the City. Although this application is not proposing a large development, the Commission explained to the applicant that when the multi-family development comes before the Commission, those traffic concerns would be discussed.

4. The Commission discussed the importance of Improvements to Township Road and noted that no street improvements would be necessary on S. Locust Street, as they already exist.
5. The Commission discussed Mr. Reif's request that the conditions allow for bonding of improvements and agreed to amend proposed condition #8 to include that option.

Based on the findings and conclusions contained in the staff report dated October 12, 1995, on testimony at the hearing, and on Commission deliberations, Commissioner Ewert moved to approve MLP 95-06/LLA 95-06 with the following conditions:

*For the Final Plat*

1. A final partition plat modified to illustrate the conditions of approval, shall be submitted to the City Planner for review and approval. The final partition plat shall reference this land use application -- City of Canby, Planning Department, File No. MLP 95-06.
2. The final partition plat shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
3. A new deed and legal description for the new parcels shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
4. All monumentation and recording fees shall be borne by the applicant.
5. Permanent utility construction and maintenance easements including, but not limited to, electric and water cables, pipeline conduits and poles shall be provided as follows:
  - 6 feet in width along all common lot lines,
  - 10 feet in width along all exterior lot lines, except
  - 12 feet in width along street frontages.
6. Deed restrictions that cover either option (a) or (b) below shall be recorded with the County on the plat or on documents recorded with the plat. The deed restrictions shall be reviewed by the City prior to the recording of the plat and/or documents.



- a. Habitable structures built on parcel 1 shall have their long axis oriented within 30 degrees of a true east-west axis, and at least 80% of their ground floor south wall will be protected from shade by structures and non-exempt trees on parcels 2 and 3, using appropriate deed restrictions.
- b. Habitable structures built on parcel 1 shall orient at least 32% of their glazing (window areas) and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof areas are protected from shade by structures and non-exempt trees on parcels 2 and 3, using appropriate deed restrictions.

*Prior to the Signing of the Plat*

7. A new deed and legal description for the parcels, after the lot line adjustment, shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
8. Improvements to S.E. Township Road shall include: Half-street improvement (twenty feet in width), curbs, sidewalks along parcel 3, street lights, utilities, and street trees (along S. Locust Street for parcel 3), shall be constructed prior to the signing of the plat. The parking lane along Township Road, in front of parcel 3, may be eliminated if deemed necessary by the arborist for the City, for the preservation of the Cedar trees.
9. The arborist for the City shall be on site prior to the construction of the sidewalks on parcel 1. The holly trees shall be removed. The cedar trees shall be retained, except as ordered by the arborist.
10. The land divider shall follow the provisions of Section 16.64.070 Improvements, in particular, but not limited to, subparagraph (O) Bonds, which requires a surety bond, personal bond, or cash bond for subdivision improvements for any improvement not completed prior to the signing of the final plat. The bond shall provide for the City to complete the required improvements and recover the full cost of the improvements.

*Notes*

11. Prior to the occupancy of parcels 1 and 2, sidewalk and street trees will be required.
12. The final plat must be recorded with Clackamas County within one (1) year of the approval of the preliminary plat approval in accordance to Section 16.60.060. The mylar for the final plat must be signed by the City prior to the recording of the plat.

Commissioner Larson seconded the motion and it carried unanimously.

**X. DIRECTOR'S REPORT**

The Commission discussed the upcoming Planning Commission dinner. December 14th appeared to be a convenient date for all concerned. It will be confirmed after checking with Mayor Taylor, to see if he is available that evening.

Staff advised the Commission that on November 13th, under the 'Commission Discussion of Planning Issues, a traffic engineer from Kittleson & Associates will address the issue of traffic reports, and what they use as the basis of their reports. He will also answer any questions from the Commission.

A report from Landslide Technology was received, regarding the embankment on Wilson Construction Company's site. The report recommends that the drywells should be at least 100 feet from the embankment, and should be reviewed by an engineer prior to building permit.

**XI. ADJOURNMENT**

The meeting was adjourned at 10:45 p.m.

Respectfully submitted,

  
Joyce A. Faltus